

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2014

Date filed: **February 28, 2014**

Name of company covered by this certification: **Cbeyond, Inc.**

Form 499 Filer ID: **820930**

Name of signatory: **William H. Weber**

Title of signatory: **Senior Vice President & General Counsel**

I, William H. Weber, certify that I am an officer of Cbeyond, Inc., and, acting as an agent of the company, that I have personal knowledge that Cbeyond has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

Cbeyond has not taken any actions, instituted proceedings or filed petitions against data brokers in the past year at state commissions, the court system or at the Commission.

Cbeyond has not received any customer complaints in the past year concerning the unauthorized release by Cbeyond of customer CPNI.

Cbeyond represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. Cbeyond also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may be subject to enforcement action.

Respectfully,



William H. Weber

**47 C.F.R. 64.2001 et seq. CPNI Compliance Statement**

Date filed: **February 28, 2014**

Name of company covered by this certification: **Cbeyond, Inc.**

Form 499 Filer ID: **820930**

Name of signatory: **William H. Weber**

Title of signatory: **Senior Vice President & General Counsel**

Cbeyond maintains a comprehensive compliance program to ensure that it complies with all applicable CPNI rules and regulations. As part of this program:

- Cbeyond safeguards its customers' CPNI and only allows access by authorized employees for authorized purposes. Employee access to the systems in which CPNI resides is tightly controlled with individual usernames and passwords, and the level of access to information systems containing CPNI is limited based on the employee's job function and appropriate geographic market. Any time an employee accesses these systems, the access is logged. Hard copy files of existing customer records, including contracts, are kept in locked cabinets to which sales representatives do not have access. All employees who have access to CPNI are carefully screened to ensure their honesty and integrity. Each employee's access to the information systems containing CPNI is reviewed on a quarterly basis and such authorization is revoked immediately upon conclusion of employment.
- Cbeyond trains its employees in the proper application of the FCC's CPNI rules at least twice per year and more often if required. That training includes instruction regarding processes and procedures for accessing CSRs and billing information of Cbeyond customers as well as for accessing CPNI transmitted by other carriers to Cbeyond as part of the carrier change process. In addition, employees must periodically sign an acknowledgement that they have read and understood the employment guide. The employment guide defines "illegal or unethical activity" to include the "improper use of "confidential and proprietary or sensitive information" and prohibits any distribution of the information "without prior written authorization of the CEO or CFO."
- Cbeyond has established procedures to ensure its customers' CPNI is not disclosed to unauthorized parties. For example, each customer account lists one or more authorized customer contacts, and Cbeyond will not disclose customer information to "unauthorized contacts." Nor will Cbeyond disclose customer information to authorized contacts without proper authentication in accordance with the FCC's rules regarding CPNI access.
- Cbeyond properly authenticates customers prior to disclosing CPNI based on customer initiated telephone contact or online account access in accordance with the FCC's rules. For example, Cbeyond has adopted robust password protections for online access to CPNI. Cbeyond has also established backup authentication methods based on "shared secrets." The shared secrets were specifically designed so that the answers would not contain any account information or readily available biographical information.

- Cbeyond provides customer notification of certain account changes, including whenever a password, online account, or address of record is created or changed. This notification is sent to the customer's existing address of record.
- Cbeyond has established confidentiality agreements with its third party independent contractors and joint venture partners that receive Cbeyond's customers' CPNI to ensure that those third parties adequately safeguard Cbeyond's customers' CPNI.
- Cbeyond has established the proper procedures and provided appropriate customer notices so that customer permission can be obtained for the access, use and disclosure of customers' CPNI for certain permissible purposes. At the time service is initiated, Cbeyond notifies each customer in writing that the customer has the right to "opt-out" and thereby prevent Cbeyond from using the customer's CPNI as the basis for marketing efforts. To the extent necessary and in limited circumstances, Cbeyond also provides its customers with the ability to opt-in to permit Cbeyond to access, use or disclose their CPNI for certain purposes. Cbeyond maintains systems that clearly record whether and for what purpose customer permission has been granted for the access, use and disclosure of each customer's CPNI. The records of such elections are maintained for at least one year.
- Cbeyond retains a record of its sales and marketing plans that utilize its customers' CPNI. Records of such plans are kept for at least one year. Cbeyond has in place a supervisory review process for such marketing plans and records of such review are kept for at least one year.
- Cbeyond maintains systems that permit its customers to change their CPNI elections at any time via a toll free phone number or via e-mail. Opt-out notices are sent to customers at least every two years.
- Cbeyond has established procedures for the identification, reporting and punishment for any inappropriate employee access, use or disclosure of CPNI. The Cbeyond employment guide states that employees may be terminated for the unauthorized access, use or disclosure of confidential information, including CPNI. Moreover, employees are urged to report any illegal activity by other employees, including the improper use of "confidential and proprietary company or personal information."
- Cbeyond has established procedures for legal review of any changes to its procedures related to CPNI, and Cbeyond's Internal Audit department is tasked with auditing its CPNI protection procedures on an ongoing basis.
- Cbeyond has designated a corporate officer who acts as an agent for the company and is responsible for signing the annual compliance certificate demonstrating that the officer has personal knowledge that the Company has established operating procedures adequate to ensure compliance with the CPNI rules and regulations.
- Cbeyond has established a process to ensure that employees will report any possible CPNI "breaches" to the appropriate supervisor. Under the process, the reported breach will be reviewed by the supervisor who will then determine if notification to law

enforcement and the customer is appropriate under the law. Cbeyond will maintain records of all breaches, notifications to law enforcement and notifications to customers for at least two years

- In addition to the steps outlined above, Cbeyond takes the following precautions to ensure both that CPNI in Cbeyond's possession is fully protected and also to ensure that Cbeyond does not improperly access CPNI in the possession of other carriers:
  - In the normal course of its business, Cbeyond—like other carriers—must, from time to time, access Customer Service Records (“CSRs”) stored on the Operational Support Systems of other telecommunications companies; Cbeyond maintains written customer permission (“Letters of Authorization” or “LOAs”) obtained prior to the CSR access (in hard-copy or via version-protected electronic copy) in a central location for two years from the date of the access.
  - Cbeyond periodically inspects its written LOAs to ensure that they are being filled out completely and properly.
  - Cbeyond requires that each employee who might have access to CPNI sign an acknowledgement stating that the employee has read, understands and agrees to abide by Cbeyond's CPNI policy. Violation of this policy will lead to disciplinary action up to and including termination.
  - Cbeyond requires that each employee who might have access to the CSRs of another carrier's customers sign an acknowledgement stating that the employee has read, understands and agrees to abide by Cbeyond's CSR policy. Violation of this policy will lead to disciplinary action up to and including termination.
  - Cbeyond conducts monthly training with all its sales representatives to ensure that they understand Cbeyond's CPNI policy, CSR access policy and LOA policy.
  - All terminals used for accessing CPNI are placed in locations that allow for close supervision.
  - Cbeyond has installed equipment and software that allows it to monitor and log websites being visited by individual computers in its network; data regarding websites visited by individual computers on the Cbeyond network can be analyzed so that unusual usage patterns that might suggest improper use of CPNI or improper CSR access can be identified and investigated.